

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DICAM, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 07 C 5472
)	
UNITED STATES CELLULAR CORPORATION,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Each of the two defendants in this patent infringement action--U.S. Cellular Corporation ("US Cellular") and LG Electronics Mobilecomm U.S.A., Inc. ("LG Electronics")--has filed a separate Answer and Counterclaim opposing the claims of patentee Dicam Inc. ("Dicam"). This memorandum order is issued sua sponte to require the correction of some problematic pleading on the part of US Cellular.

Despite the clarity of the roadmap marked out by the second sentence of Fed. R. Civ. P. ("Rule") 8(b) as the route to a deemed denial of some of Dicam's allegations (see App. ¶1 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001)), US Cellular's Answer ¶¶2, 4, 7, 15, 17 and 18 inexplicably omit any reference to the Rule's more demanding component of an absence of belief as well as knowledge on its part. "Inexplicably" appears to be the right word, because the same counsel has signed both of the responsive pleadings--and that flaw is absent from LG Electronics' response.

In any event, each of the paragraphs identified in the preceding paragraph is stricken. Leave is of course granted to US Cellular to file an amendment to its Answer curing that flaw (if indeed it can claim the required absence of belief in the objective good faith that is required by Rule 11(b)), with that amendment to be filed on or before December 26, 2007. No charge is to be made to US Cellular by its counsel for the added work and expense incurred in correcting counsel's errors, and such counsel are ordered to apprise their client to that effect by letter, with a copy to be transmitted to this Court's chambers as an informational matter (not for filing).

A handwritten signature in black ink, reading "Milton I. Shadur", written in a cursive style.

Milton I. Shadur
Senior United States District Judge

Date: December 12, 2007